

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KEVIN CURLEY,

Plaintiff,

v.

CLARK, et al.,

Defendants.

Case No.: 1:20-cv-0453 JLT CDB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
ACTION FOR FAILURE TO STATE A  
COGNIZABLE CLAIM, AND DIRECTING  
THE CLERK OF COURT TO CLOSE THE  
CASE

(Doc. 29)

Kevin Curley seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. The assigned magistrate judge screened the allegations of Plaintiff's Second Amended Complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff failed to state a cognizable claim. The magistrate judge also determined amendment was futile and recommended the action be dismissed without leave to amend. (Doc. 29.)

The Court served the Findings and Recommendations on Plaintiff and notified him that that any objections were due within 14 days and that the "failure to file objections within the specified time may result in waiver of his rights on appeal." (Doc. 29 at 10-11, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Plaintiff did not file objections, and the time to do so expired.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and

1 Recommendations to be supported by the record and proper analysis. The Court agrees further  
2 leave to amend is futile. *See, e.g., Zucco Partners, LLC v. Digimarc Corp.*, 552 F.3d 981, 1008  
3 (9th Cir. 2009) (“repeated failure to cure deficiencies” supports a conclusion “that any attempt to  
4 amend would be futile”). Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on November 20, 2023 (Doc. 29) are  
6 **ADOPTED** in full.
- 7 2. This action is **DISMISSED** for Plaintiff’s failure to state a claim upon which relief  
8 can be granted.
- 9 3. The Clerk of the Court is directed to close this case.

10  
11 IT IS SO ORDERED.

12 Dated: **December 19, 2023**

  
UNITED STATES DISTRICT JUDGE